

In re Patent Application of:
DE LAENDER ET AL.
Serial No. 10/660,067
Confirmation No. 6186
Filed: September 11, 2003
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REMARKS

Applicants would like to thank the Examiner for the thorough examination of the present application. Since the primary rejection of the claims is based on a French patent, a translation thereof is provided for the Examiner's reference.

The independent claims have been amended to more clearly define the present invention over the French patent. In addition, new Claims 96-103 have been added.

Each of the independent claims recite that at least one of the support blocks comprises first and second substantially flat surfaces located on opposite ends of a longitudinal axis, third and fourth substantially flat surfaces between the opposite ends of the longitudinal axis, and curved surfaces between the first and third flat surfaces, between the first and fourth flat surfaces, between the second and third flat surfaces and between the second and fourth flat surfaces. This shape of the support block is best illustrated in FIG. 5 of the present application, for example. The specifics of the shape of the support block were taken from dependent claims 77-78, for example.

In addition, each of the independent claims recite further specifics of the at least one thermoplastic material. The specifics were taken from dependent Claims 69, 71 and 72, for example. Certain dependent claims have been either cancelled or amended for consistency. Noted errors in the specification and claims have also been addressed. For example, "cellular" has been changed to "cellulosic."

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The claim amendments and arguments supporting patentability of the claims are also provided below.

I. The Claimed Invention

The present invention, as recited in amended independent Claim 64, is directed to a pallet comprising a top support member for supporting cargo, a bottom support member, and a plurality of solid support blocks for separating the top and bottom support members so that a lifting member can be inserted therebetween.

At least one of the support blocks comprises first and second substantially flat surfaces located on opposite ends of a longitudinal axis, third and fourth substantially flat surfaces between the opposite ends of the longitudinal axis, and curved surfaces between the first and third flat surfaces, between the first and fourth flat surfaces, between the second and third flat surfaces and between the second and fourth flat surfaces.

Each solid support block comprises a composite material entirely devoid of any openings and comprises at least one cellulosic material and at least one thermoplastic material, and has upper and lower support member fastening surfaces for defining respective upper and lower support member fastener areas. The at least one thermoplastic material comprises polyethylene having a density between about 0.9 grams per cubic centimeter and about 0.98 grams per cubic centimeter. A plurality of fasteners fasten the top and bottom support members to the

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plurality of solid support blocks via the respective upper and lower support member fastener areas.

Independent Claim 82 is directed to a pallet, and has been amended similar to amended independent Claim 64 except that the at least one thermoplastic material comprises at least one of homopolymers and copolymers having densities between about 0.8 grams per cubic centimeter and about 0.99 grams per cubic centimeter.

New independent Claim 96 is directed to a pallet, and is similar to amended independent Claim 64 except that the at least one thermoplastic material comprises at least one of polyesters, epoxies and vinyl esters.

II. The Claims Are Patentable

The Examiner rejected independent Claims 64 and 82 over the Faye patent (French patent no. 2,679,482). A translation of the Faye patent is provided for the Examiner's reference.

The Faye patent is directed to a manufacturing process for wood waste-based composite products, such as a pallet support block. In particular, the wood waste is lignocellulosic waste that is combined and compacted with prior introduction of a binder consisting of a heated thermoplastic resin. The thermoplastic resin may consist of polypropylene or polyethylene.

The applicants submit that Faye provides a top-level discussion of forming a wood waste-based composite product. Other than defining a ratio range between the wood waste (50-80%)

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and the binder (50-20%), Faye is silent on the specifics of the binder.

As noted above, Faye discloses that the binder may be polypropylene or polyethylene. In sharp contrast, amended independent Claim 64 recites that the at least one thermoplastic material comprises polyethylene having a density between about 0.9 grams per cubic centimeter and about 0.98 grams per cubic centimeter. Faye is silent on the density of the polyethylene.

Also in sharp contrast, amended independent Claim 82 recites that the at least one thermoplastic material comprises at least one of homopolymers and copolymers having densities between about 0.8 grams per cubic centimeter and about 0.99 grams per cubic centimeter. Faye is silent on polymers and their densities.

Also in sharp contrast, new independent Claim 96 recites that the at least one thermoplastic material comprises at least one of polyesters, epoxies and vinyl esters. Faye is silent on these items.

As stated in the Remarks section, each of the independent claims recite that at least one of the support blocks comprises first and second substantially flat surfaces located on opposite ends of a longitudinal axis, third and fourth substantially flat surfaces between the opposite ends of the longitudinal axis, and curved surfaces between the first and third flat surfaces, between the first and fourth flat surfaces, between the second and third flat surfaces and between the second and fourth flat surfaces. This shape of the support block is

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best illustrated in FIG. 5 of the present application, for example.

This particular shape of the support block helps to form a guide for positioning lifting members under the top support member of the pallet. Thus, loading a pallet requires less time because time is not lost in aligning the lifting member with the cavities beneath the top support member.

Another advantage is that the support blocks can better withstand repeated blows from the lifting members of a lifting device because of the specifics of the thermoplastic material combined with the cellulosic material.

Fay discloses a support block with no flat edges, and a support block with all flat edges. However, Faye fails to disclose a support block with flat surface and curved surfaces as recited in the independent claims.

Accordingly, it is submitted that amended independent Claim 64 is patentable over the Faye patent. Amended independent Claim 82 and new independent Claim 96 is similar to amended independent Claim 64. Therefore, it is submitted that these claims are also patentable over the Faye patent.

In view of the patentability of amended independent Claims 64 and 82 and new independent Claim 96, it is submitted that the dependent claims, which include yet further distinguishing features of the invention are also patentable. These dependent claims need no further discussion herein.

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IV. CONCLUSION

..... In view of the amendments to the claims and the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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